

REMARKS

In the Office Action mailed February 17, 2009 the Office noted that claims 16-26 were pending and rejected claims 16-26. Claims 16, 20 and 22-26 have been amended, claims 18 and 21 have been canceled, and, thus, in view of the foregoing, claims 16, 17, 19, 20 and 22-26 remain pending for reconsideration which is requested. No new matter has been added. The Office's rejections and objections are traversed below.

OBJECTION TO THE DRAWINGS

The drawings stand objected to. In particular, the Office asserts that the "one predetermined point" and "another predetermined point" of claims 16 and 20 and "one end point" and "other end point" of claims 18 and 21 are not shown in the drawings.

Claims 18 and 21 have been cancelled.

With regards to claims 16 and 20, it is respectfully submitted Figures 4 and 11 illustrate the start point of recording the defect management information corresponding to the inner side edge (most inner circumferential edge) of the shared areas 104 / 105. As such, Figures 4 and 11 disclose "one predetermined point" defined in claims 16 and 20, which is the start

point of recording the defect management information.

Further, Figures 4 and 11 illustrate the start point of recording the evacuation data corresponds to the outer side edge (most outer circumferential edge) of the shared areas 104 / 105. Thus, Figures 4 and 11 disclose the "another predetermined point," defined in claims 16 and 20 which is the start point of recording the evacuation data.

Withdrawal of the objections is respectfully requested.

REJECTIONS under 35 U.S.C. § 112

Claims 18 and 21 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. The Applicants have cancelled claims 18 and 21.

Withdrawal of the rejections is respectfully requested.

REJECTIONS under 35 U.S.C. § 102

Claims 16-26 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Takahashi, U.S. Patent No. 5,914,928. The Applicants respectfully disagree and traverse the rejection with an amendment and argument.

Claim 16 has been amended to further recite "the defect management information includes (i) an evacuation source address which is an address of the position of the defect in the data area and (ii) an evacuation destination address which is an address of a recording position of the evacuation data." Support for the amendment may be found, for example, in page 6, lines 2-7 and page 30, lines 2-12. The Applicants submit that no new matter is believed to have been added by the amendment of the claims. Claims 20 and 22-26 have likewise been amended.

Takahashi fails to disclose the novel feature of claims 16 to 26 such as the "shared area into which both of the defect management information (i.e. the evacuation source address and the evacuation destination address) and the evacuation data is recorded."

Specifically, Takahashi merely discloses that only the primary defect list (PDL) which includes the address of the defective sector and the addresses of spare sectors and the secondary defect list (SDL) which includes the address of the defective block and the addresses of its last replacement block are recorded into the defect management area 502 (see col. 13, lines 45-51, col. 15, lines 4-10, and col. 15, lines 26-28 of Takahashi). Takahashi merely discloses that only the ECC block (n)

containing the defective sector is replaced by the replacement block (n) in the replacement block 503 (see column 23, lines 6-8 of Takahashi. Namely, Takahashi does not disclose that (i) the ECC block (n) containing the defective sector can be replaced by the block in the defect management area 502 and (ii) the primary defect list or the secondary defect list can be recorded into the replacement block 503.

Therefore, each of the defect management area 502 and the replacement block 503 is absolutely different from the "shared area into which both of the defect management information (i.e. the evacuation source address and the evacuation destination address) and the evacuation data is recorded" of the present invention.

Further, in Takahashi, the size of the defect management area 502 is absolutely fixed and the size of the replacement block 508 is absolutely fixed. Namely, the size of the area into which the primary defect list or the secondary defect list can be recorded is fixed and the size of the area by which the ECC block (n) containing the defective sector can be replaced is fixed. In other words, the size of the area into which the primary defect list or the secondary defect list can be recorded does not vary (does not change) and the size of the area

by which the ECC block (n) containing the defective sector can be replaced does not vary (does not change).

On the other hand, in the present invention, because both of the defect management information and the evacuation data is recorded into the same shared area, the size of the area into which the defect management information can be recorded is NOT fixed and the size of the area into which the evacuation data can be recorded is NOT fixed. In other words, each of (i) the size of the area into which the defect management information can be recorded and (ii) the size of the area into which the evacuation data can be recorded varies in accordance with the recording aspect of both of the defect management information and the evacuation data. For example, if the size of the defect management information which is to be recorded is relatively small, it is possible to expand the area into which the evacuation data can be recorded. Similarly, the size of the evacuation data which is to be recorded is relatively small, it is possible to expand the area into which the defect management information can be recorded.

Therefore, each of the defect management area 502 and the replacement block 503 is absolutely different from the "shared area into which both of the defect management informa-

tion (i.e. the evacuation source address and the evacuation destination address) and the evacuation data is recorded" of the present invention.

On page 4 of the Office Action, the Office asserts that Takahashi teaches "a write-once-type recording medium."

However, Takahashi discloses that "[t]he present invention relates to an improvement of a RAM disk" (see col. 1, lines 8-9 of Takahashi). Thus, Takahashi merely discloses the rewritable recording medium and does not disclose the write-once-type recording medium.

On pages 4 and 5 of the Office Action, the Office asserts that Takahashi Fig. 12, col. 23, lines 4-7 and col. 23, lines 20-37 discloses "a shared area, which is disposed between said control information recording area and said data area, to record therein evacuation data which is record data to be recorded at a position of a defect in said data area and to temporarily record therein to temporarily record therein the defect management information of said data area, the evacuation data being recorded with one predetermined point which exists in said shared area as a start point, the defect management information being recorded with another predetermined point which exists at a different point from the one point as a start point, in said

shared area," as in claim 16.

However, Figure 12 of Takahashi shows that the replacement block 503 is disposed between the lead-out area 504 (not areas 501 and 502) and the data area 400. Therefore, Takahashi does not disclose the novel feature of claims 16 to 26 such as the "shared area disposed between the control information area which includes the definite defect management area and the data area."

For at least the reasons discussed above, claims 16, 20 and 22-26 and the claims dependent therefrom are not anticipated by Takahashi.

Withdrawal of the rejections is respectfully requested.

#### SUMMARY

It is submitted that the claims satisfy the requirements of 35 U.S.C. §§ 112 and 102. It is also submitted that claims 16, 17, 19, 20 and 22-26 continue to be allowable. It is further submitted that the claims are not taught, disclosed or suggested by the prior art. The claims are therefore in a condition suitable for allowance. An early Notice of Allowance is requested.

Serial No. 10/565,076  
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The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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